

## Remarks

Applicants' remarks address each issue raised in the office action of April 12, 2007, and are presented in the same order.

## Claim Rejections – 35 USC §102

The rejection of claims 1-5, 7-9 and 11 as anticipated by U.S. Patent No. 5,153,828 (Inoue et al.) is traversed. Inoue does not disclose the structure recited in the current claims. In particular, Inoue fails to disclose:

*“a controller connected to the sensor and configured to receive current procedure data from the sensor, save the data to create historical procedure data, compare the current procedure data to the historical procedure data and activate an alarm when predefined trends in the data are detected”*

In the last action it was suggested that the [collected] data taught by Inoue is procedure data. Even if the weight of collected blood data collected by the Inoue system were properly considered to be “procedure” data, Inoue does not disclose a controller configured to **compare** that data to historical procedure data and activate an alarm when predefined trends are detected. It appears that Inoue does not keep or look back at previously collected procedure data points at all. Rather, it takes the currently detected blood bag weight, uses that data point in an algorithm with other non-varying, non-procedure information in order to generate the current value for a “yet-to-be-collected amount” of blood. Even if the Inoue system takes several blood bag weight measurements during the course of a blood collection procedure, it does not appear to store or compare those multiple data points. It only uses the currently measured data point at any given time. Inoue does not disclose a collection system with a controller configured to compare current and historical procedure data.

In contrast, applicants' invention relies on comparing current blood volume

information with one or more past blood volume measurements so that trends can be identified that will inform a healthcare provider on the progress of a patient's healing.

In addition to the above comments, applicants reiterate and incorporate by reference the remarks from applicants' amendment dated December 15, 2006.

It is noted that new claim 15 has been presented to offer an alternative way of defining the controller element (having instructions), but otherwise is intended to mimic the scope of current claim 1.

Accordingly, because the '828 patent does not disclose a system configured to compare historical procedure data with current procedure data collected from a fluid collection suction pathway, it should not be considered to anticipate the claims of the present application. Reconsideration is requested.

### **Claim Rejections – 35 USC § 103**

Applicants traverse the rejection of claims 6, 10 and 12 as obvious and request reconsideration. First, each obviousness rejection relies, at least in part, on the disclosure of Inoue and as explained above that patent fails to disclose or suggest significant elements of the applicants' claims, namely a system that compares current procedure data to historical procedure data. Because Inoue fails to disclose or suggest that element of the claims it should not be considered to render obvious applicants claims containing that limitation, whether Inoue is considered alone or in combination with other reference that also fail to disclose that limitation.

In addition, regarding claim 12, the assertion in the last action that the "interval at which data is sampled affects the accuracy if the information displayed to the user" does not appear to hold true for in the Inoue system. Because the data collected (weight of blood bag) is merely plugged into a formula with other fixed values in order to generate the "yet-to-be-collected amount" of blood, it seems that changing the frequency of data collection would not impact the accuracy of each individual "yet to be collected" value. It would merely change how often a "yet to be collected" value could be displayed. Furthermore, one skilled in the art, with the Inoue system before them, would not be motivated to alter the display to include historical "yet to be collected" information. Such

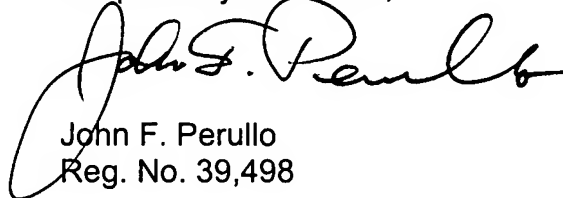
old information would merely tell the operator how much blood still needed to be collected 15 minutes ago, and 15 minutes before that, hardly useful information to an operator during a blood collection procedure. It seems that the only important information in a donor blood collection system would be: how much blood is yet to be collected as of the current moment. It is noted that Inoue is a blood donor collection system (see col. 2, line 10) as opposed to applicants' collection system intended for hospital settings with patients experiencing blood loss after a medical procedure.

Reconsideration of the obviousness rejections based on the foregoing is requested.

It is noted that new claim 14 is submitted to further define an aspect of the invention in which multiple historical procedure data points may be presented to the user in conjunction with the current procedure data as is shown in FIGS. 6-8 of the application.

Authorization is granted to apply the surcharge amount of \$1020.00 for late filing of this Amendment to **Deposit Account No. 50-3067**. Any additional debits or credits in connection with this filing may also be applied to that deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John F. Perullo", is written over the typed name and registration number.

John F. Perullo  
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